

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 12, 13, 17 and 18 are currently being cancelled.

Claims 1, 2, 5, 10, 11, 14 and 15 are currently being amended.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11 and 14-16 are pending in this application.

**Indication of Allowable Subject Matter:**

Applicants appreciate the indication of allowable subject matter made in the Office Action with respect to claims 13, 15 and 16.

**Title Objection:**

In the Office Action, the title was objected to since it was not descriptive. By way of this amendment and reply, a new title that corresponds to the one suggested in the Office Action has been adopted.

**Claim Objections:**

In the Office Action, claims 1-16 were objected to, for the reasons set forth on pages 2 and 3 of the Office Action. By way of this amendment and reply, the presently pending claims have been amended in accordance with most of the helpful suggestions provided on pages 2 and 3 of the Office Action. Please note that, with respect to the indefiniteness rejection of "a packet" on claim 15, line 15, that recitation is correct because "a packet to be transferred at higher priority among colliding packets" recited in lines 15-16 of claim 15 is not the same packet as "a packet from one of said input side transfer units is destined to reach within the switching unit" recited in lines 8-9 of claim 15. Note also that claim 10, line 4 has

been amended by simply deleting the word “those”, because “those packets” actually refer to “packets destined to non-congested one of said output side transfer units” among “a plurality of packets that are waiting for transfers to the switching unit at each input side transfer unit”, and this meaning should be sufficiently clear without the use of the word “those”.

**Claim Rejections – Indefiniteness:**

In the Office Action, claims 15 and 16 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite, for the reasons set forth on page 4 of the Office Action. By way of this amendment and reply, the phrase “may occur” has been replaced with “is possible”, to thereby overcome this rejection. In other words, claim 15 recites that a virtual switching network has a topology in which a packet collision can possibly occur, and when such a packet collision actually occurs in the virtual switching network, a packet to be transferred at higher priority among colliding packets is selected according to the priority level attached to each colliding packet. This meaning is believed to be sufficiently clear in presently pending claim 15.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-3, 5-9 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,412,648 to Fan in view of U.S. Patent No. 5,583,858 to Hannaka; claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan and Hanaka and further in view of U.S. Patent No. 6,324,165 to Fan; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan and Hanaka and further in view of U.S. Patent No. 5,930,256 to Greene; claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan and Hanaka and further in view of U.S. Patent No. 5,481,312 to Cash; and claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fan and Hanaka and further in view of U.S. Patent No. 6,442,172 to Wallner. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

In reply, claim 1 has been amended to incorporate all of the features recited in claims 12 and 13 (which are now cancelled), so that the amended claim 1 is now effectively claim 13 rewritten in independent form. Since claim 13 was “objected to”, and since claim 1 has been amended to address the objections raised in that claim, presently pending independent claim 1 is now believed to be in allowable form based on the indications made in the Office Action.

Since all of the remaining rejected claims depend either directly or indirectly from claim 1, those claims are also now believed to be in allowable form (since those claims have been amended to address the objections and indefiniteness issues raised in the Office Action).

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

By Phillip J. Articola

Pavan K. Agarwal  
Registration No. 40,888

Phillip J. Articola  
Registration No. 38,819